

58:4A-1 to 58:4A-24

LEGISLATIVE HISTORY CHECKLIST

HJSA 58:4A-1 to 58:4A-24 (Well Drillers' Law--various technical amendments)

LAWS OF 1979 CHAPTER 398

Bill No. S792

Sponsor(s) Foran

Date Introduced Feb. 9, 1978

Committee: Assembly Agriculture and Environment

Senate Labor, Industry and Professions

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 17, 1979

Senate Nov. 29, 1979

Date of approval Feb. 8, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	Senate amendments adopted 11-13-79, with statement (attached)
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>	
Senate	Yes	<input checked="" type="checkbox"/>	
Fiscal Note	<del>Yes</del>	<input type="checkbox"/>	
Veto message	<del>Yes</del>	<input type="checkbox"/>	
Message on signing	Yes	<input checked="" type="checkbox"/>	

Following were printed:

Reports	<del>Yes</del>	<input type="checkbox"/>	No
Hearings	<del>Yes</del>	<input type="checkbox"/>	No

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## SENATE, No. 792

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1978

By Senator FORAN

Referred to Committee on Labor, Industry and Professions

\***[AN ACT** concerning well drillers and amending and supplementing P. L. 1947, c. 377 (C. 58:4A-5 et seq.).]**]\*** \*AN ACT to amend the title of "An act to conserve certain natural resources of the State and to protect the public health; to provide for the licensing of well drillers; to fix fees therefor and to provide penalties for violations thereof," approved July 1, 1947 (P. L. 1947, c. 377), so that the same shall read "An act to conserve certain natural resources of the State and to protect the public health; to provide for the licensing of well drillers and pump installers; to fix fees therefor and to provide penalties for violations thereof," and to amend and supplement the body of said act and to amend P. L. 1947, c. 375 (C. 58:4A-1 et seq.) and P. L. 1951, c. 193 (C. 58:4A-4.1 et seq.).\*

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 \*1. The title of P. L. 1947, c. 377 is amended to read as follows:  
2 An act to conserve certain natural resources of the State and to  
3 protect the public health; to provide for the licensing of well  
4 drillers and pump installers; to fix fees therefor and to provide  
5 penalties for violations thereof.

1 2. Section 1 of P. L. 1947, c. 377 (C. 58:4A-5) is amended to read  
2 as follows:

3 1. The Commissioner of the Department of **[Conservation and**  
4 **Economic Development]** *Environmental Protection*, hereinafter  
5 called commissioner, in furtherance of his general powers of super-  
6 vision over the natural resources of the State and their conserva-  
7 tion for public use, is hereby authorized, empowered and directed  
8 to make effective the provisions of this act and to adopt and effec-  
9 tuate, such rules and regulations as may be proper for this purpose  
10 and for the administration of the provisions of this act. The  
11 commissioner may adopt rules and regulations to carry out the  
12 purposes of this act.\*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

1 \***[1.]**\* \*3.\* Section 2 of P. L. 1947, c. 377 (C. 58:4A-6) is amended  
2 to read as follows:

3 2. No person, partnership or corporation shall hereafter engage  
4 in well drilling \*or pump installation\* in this State except as pro-  
5 vided in section 20 hereof unless he, if an individual, or a member  
6 of the firm, if a partnership, or an executive officer, if a corporation,  
7 shall be licensed as a well driller \*or pump installer\* of the proper  
8 class, as provided in this act.

8A No person, partnership, or corporation shall employ more than  
9 three other well drillers in well drilling in this State \***[until he]**\*  
10 \*unless said well drillers' supervisor\* **[complies with]** *is qualified*  
11 *as a master well driller pursuant to* the criteria established therefor  
12 under the rules and regulations of the commissioner.

13 No other agency or civil division of the State shall be empowered  
14 to license or to establish standards **[or]**, requirements *or specifica-*  
15 *tions* for engaging in the trade, business or calling of well drilling  
16 \*or pump installation\* which shall be applicable to any person  
17 licensed under this act.

1 \*4. Section 3 of P. L. 1947, c. 377 (C. 58:4A-7) is amended to read  
2 as follows:

3 3. A board of **[7]** 9 well driller *and pump installer* examiners is  
4 hereby created to be appointed by the Commissioner of **[Conserva-**  
5 **tion and Economic Development]** *Environmental Protection*, which  
6 shall function as an examining board of well drillers *and pump*  
7 *installers*, and as an advisory board to the commissioner and shall  
8 be hereinafter referred to as the board. **[Two]** *Three* members of  
9 the board shall be employees of the department; one member not  
10 employed by the State or pecuniarily involved in well drilling *or*  
11 *pump installing* shall be appointed by the commissioner; *one mem-*  
12 *ber shall have the qualification to qualify as a pump installer*; and  
13 the remaining 4 members shall have the qualifications to qualify as  
14 master well drillers. Members of the board shall be appointed for  
15 terms of 3 years. A quorum of the board shall consist of **[5]** 7  
16 members. All persons appointed to said board shall be citizens of  
17 the United States and residents of the State of New Jersey. The  
18 commissioner may remove any member of the board, after hearing,  
19 for misconduct, incompetence, neglect of duty or for any other  
20 sufficient cause.

1 5. Section 4 of P. L. 1947, c. 377 (C. 58:4A-8) is amended to  
2 read as follows:

3 4. Said board so appointed shall be designated and known as the  
4 "State Well Drillers *and Pump Installers* Examining and Advisory  
5 Board."

6 Each member of the board, except those who are employees of  
 7 the department, shall receive [compensation of \$25.00 per day,  
 8 and] actual and necessary expenses, [for each day in which such  
 9 member is engaged in the attendance upon meetings of the board:]  
 10 such charges to be approved by the commissioner and paid from  
 11 general funds of the State within the limits of appropriations to  
 12 the department.

1 6. Section 6 of P. L. 1947, c. 377 (C. 58:4A-10) is amended to  
 2 read as follows :

3 6. The board shall be vested with the following powers and  
 4 duties :

5 (a) It shall be the duty of the board to examine as to their  
 6 experience and qualifications all persons applying for licenses as  
 7 well drillers *or pump installers*, and to certify the results thereof  
 8 within 10 days to the commissioner of the department. Such  
 9 examinations may be oral or written and shall be of a practical  
 10 nature.

11 (b) It shall, by a majority of all its members, formulate and  
 12 recommend to the commissioner rules, regulations, and standards  
 13 for engaging in the trade, business or calling of well drilling *or*  
 14 *pump installing* which shall be applicable to any person licensed  
 15 under this act.

1 7. Section 7 of P. L. 1947, c. 377 (C. 58:4A-11) is amended to  
 2 read as follows :

3 7. The [said division] *commissioner* shall, upon payment of the  
 4 required fee, issue licenses to such persons as have by said exam-  
 5 ination shown themselves competent and qualified to engage in the  
 6 business, trade or calling of well driller *or pump installer*.

1 8. Section 8 of P. L. 1947, c. 377 (C. 58:4A-12) is amended to  
 2 read as follows :

3 8. The board may after public hearing, recommend to the com-  
 4 missioner that he revoke, or suspend for any period less than 1 year  
 5 the license of any well driller *or pump installer*, if the same was  
 6 obtained through error or fraud, or if the board shall find him  
 7 guilty of gross neglect, incompetency, or misconduct in the practice  
 8 of well drilling *or pump installing* or if the holder thereof has a  
 9 second time willfully violated any of the provisions of this law or  
 10 any of the rules and regulations prescribed by the commissioner.  
 11 Any person whose license has been revoked may, after the expira-  
 12 tion of 1 year from the date of such revocation, apply for a new  
 13 license.

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14 The charges against any well driller or pump installer of whom  
 15 complaint is made shall be in writing and sworn to by the com-  
 16 plainant, and filed with the board.

17 Such charges unless dismissed by the board as unfounded or  
 18 trivial shall be heard and determined by the board within 3 months  
 19 after the date on which they are preferred unless the board shall  
 20 determine that good cause exists for further delay. The board shall  
 21 have the power at any such proceeding to require the attendance  
 22 of witnesses before it, and the production of such books, papers and  
 23 documents as it may require, and to issue or authorize the issuance  
 24 of subpena therefor.

25 The time and place of the hearing, which may be adjourned from  
 26 time to time, shall be fixed by the board. A copy of the charges,  
 27 together with a notice of the time and place of hearing shall be  
 28-29 served on the accused by the board personally or by certified mail,  
 30 addressed to his last known place of residence in this State, at least  
 31 30 days before the day fixed for the hearing. At such hearing the  
 32 accused shall have the right to appear personally or by counsel  
 33 and to cross-examine witnesses against him and to produce evidence  
 34 in his defense.

1 9. Section 9 of P. L. 1947, c. 377 (C. 58:4A-13) is amended to  
 2 read as follows :

3 9. Any operation on the drilling, boring, coring, driving, digging  
 4 or construction of wells shall be under the immediate supervision  
 5 of a licensed well driller, and the name of the owner shall be dis-  
 6 played on the equipment used by such driller. Nothing in this act  
 7 shall be construed as applying to the drilling of blast holes in  
 8 quarries or mines, or any operation on the installation, construc-  
 9 tion, or repair of a water system, including water pumps, water  
 10 tanks, and water conditioners under the direct responsibility of a  
 11 licensed professional engineer.\*

1 \***[2.]**\* \*10.\* Section 10 of P. L. 1947, c. 377 (C. 58:4A-14) is  
 2 amended to read as follows :

3 10. No well shall be drilled until a permit therefor where re-  
 4 quired by the provisions of this act, has been secured from the  
 5 said department. Application for each such permit shall be made  
 6 upon forms prescribed and supplied by the department, and the  
 7 applicant for a permit shall give such information pertaining to  
 8 the proposed well as the commissioner shall require. Each **[ap-**  
 9 **plication]** shall be accompanied by a fee of \$5.00 **[domestic]**  
 10 *\*permit\* application under 70 gallons per minute shall be accom-*

11 *panied by a fee of \$10.00. Each permit application of over 70*  
12 *gallons per minute shall be accompanied by a fee of \$25.00.*

13 As a further condition to the issuance of such permit, the \***[divi-**  
14 **sion]**\* *commissioner*\* may require that accurate samples of the  
15 materials encountered in sinking the proposed well shall  
15A be preserved and delivered to the \***[State Geologist or**  
16 **one of his authorized representatives]**\* *department*\*. Within  
17 60 days of the completion of the drilling of any well, a report,  
18 on forms prescribed and supplied by the department, shall  
19 be filed by the driller with the department giving the log (i.e.  
20 description of materials penetrated), the size and depth of the well,  
21 the diameters and lengths of casing and screen installed therein, the  
22 static and pumping levels and the yield of the well, and such other  
23 information pertaining to the construction or operation of the well  
24 as the department may require.

25 \***[Any driller failing to file the report required by this section**  
26 **within the time specified or to deliver the samples of material re-**  
27 **quired in this section, or who shall willfully file an incomplete or**  
28 **incorrect report, shall be liable to a penalty of \$25.00 which may**  
29 **be collected and enforced in an action by the department in the**  
30 **name of the State in a court of competent jurisdiction in a sum-**  
31 **mary manner, without a jury, in accordance with the procedure**  
32 **prescribed in "The Penalty Enforcement Law" (N. J. S. 2A:58-1**  
33 **et seq.). All penalties and costs collected in such actions shall be**  
34 **payable to the municipality in which the offense occurred.]**\*

1 \*11. Section 12 of P. L. 1947, c. 377 (C. 58:4A-16) is amended to  
2 read as follows:

3 12. The **[division]** *department* may license without examination,  
4 upon payment of the required license fee, applicants who are duly  
5 licensed under the laws of any other state having requirements  
6 deemed by the said board at least equivalent to those of this State.\*

1 \***[3.]**\* \*12.\* Section 15 of P. L. 1947, c. 377 (C. 58:4A-19) is  
2 amended to read as follows:

3 15. The following fees shall be required for licenses and  
4 renewals:

5	Master well driller's license .....	<b>[\$10 00]</b>	\$25.00
6	Journeyman well driller's license .....	<b>[ 5 00]</b>	\$10.00
7	Renewal of master well driller's license .....	<b>[ 10 00]</b>	\$25.00
8	Renewal of journeyman well driller's license .....	<b>[ 5 00]</b>	\$10.00
9	* <i>Pump installer's license</i> .....		\$10.00
10	<i>Renewal of pump installer's license</i> .....		\$10.00

11 *All revenues derived from such fees or from the fees contained in*  
 12 *section 10 hereof shall be deposited in the "environmental services*  
 13 *fund" and shall be used for the administration of well water*  
 14 *programs.\**

1 \*13. Section 16 of P. L. 1947, c. 377 (C. 58:4A-20) is amended to  
 2 read as follows:

3 16. The said commissioner [and the State Geologist], or any  
 4 authorized representative of the commissioner, shall have the  
 5 power to make such inspections and take such samples as may be  
 6 deemed necessary for the investigation of the construction and  
 7 repair of wells throughout the State. They shall also have the right  
 8 to enter upon any and all property for the purpose of obtaining  
 9 information about wells, whether idle, in use or abandoned.

1 14. Section 19 of P. L. 1947, c. 377 (C. 58:4A-23) is amended to  
 2 read as follows:

3 19. A "well" is any excavation whether drilled, bored or cored,  
 4 for water, oil or gas, or in exploration for water, oil or gas, or for  
 5 the storage or disposal thereof, [or their derivatives, or for the  
 6 storage or disposal of sewage, industrial waste or radioactive  
 7 material. Single domestic drive point wells 2 inches and under in  
 8 diameter and hand dug wells are excluded from the provisions of  
 9 this act]. *Any excavation that is less in its diameter than its depth*  
 10 *is a well.*

11 A "well driller" is any person who engages in drilling, digging,  
 12 driving, boring, coring, constructing, altering or repairing any well  
 13 *or engages in the installation and repair of pumps and appur-*  
 14 *tenances.*

15 A "master well driller" is any person skilled in the planning,  
 16 superintending and practical construction of wells and the installa-  
 17 tion and repair of well pumping equipment, who has been engaged  
 18 in well drilling for at least 5 years, and who has been licensed as  
 19 such by the board.

20 A "journeyman well driller" is any person, other than a master  
 21 well driller, skilled in the practical construction of wells, *or who*  
 22 *engages in the installation and repair of pumps and appurtenances,*  
 23 *who has had at least 3 years' experience in such work, and who has*  
 24 *been licensed as such by the board.*

25 A "pump" is *mechanical equipment or a device used to remove*  
 26 *water from a well.*

27 A "pump installer" is *any person who is qualified to engage in*  
 28 *the installation, removal, alteration or repair of water pumps and*  
 29 *appurtenances in connection with any water well including water*

30 *lines between well and storage tank and licensed as such by the*  
31 *board.*

32 The examining board, the board of examiners, the advisory  
33 board or the board of advisors means the "*State Well Drillers and*  
34 *Pump Installers Examining and Advisory Board.*"

35 The "*department*" is the *Department of Environmental*  
36 *Protection.*\*

1 \***[4.]**\* \*15.\* Section 20 of P. L. 1947, c. 377 (C. 58:4A-24) is  
2 amended to read as follows:

3 20. Any person who shall engage in the trade, business or calling  
4 of a well driller or who shall operate a well drilling machine without  
5 having a license, except in the presence and under the immediate  
6 supervision of a master or journeyman well driller, or any person,  
7 partnership or corporation who, or which, shall engage in the  
8 trade, business or calling of well drilling without employing a  
9 licensed driller to operate his, their or its well drilling machine, or  
9A *\*who shall engage in the trade, business or calling of pump install-*  
9B *ing without employing a licensed pump installer or licensed well*  
10 *driller, or\** who shall operate without a permit as provided in this  
11 act, or who shall aid or abet in the commission of such violation,  
12 or who shall refuse to perform any duty or obey any direction  
13 lawfully enjoined upon him by this act or by the department or said  
14 commissioner **[or the State Geologist, except as provided in**  
15 **section 10 hereof,]**\* shall be **[deemed a disorderly person and upon**  
16 **conviction thereof shall be punished by a fine]**\* *\*liable to a penalty\**  
17 *of not less than \$100.00 nor more than \$250.00 for each and every*  
18 *such violation, which may be collected and enforced in an action by*  
19 *the [department] State or any subdivision thereof in the name of*  
20 *the State in a court of competent jurisdiction in summary pro-*  
21 *ceedings pursuant to the Penalty Enforcement Law N. J. S. 2A :58-1*  
22 *et seq. All penalties and costs collected in such actions shall be*  
23 *payable to the municipality in which the offense occurred. Each day*  
24 *such violation shall continue shall constitute a separate offense.*  
25 *The acceptance by any person, partnership or corporation of any*  
26 *money or other consideration for the construction of any well by*  
27 *anyone other than a licensed driller of the proper class as provided*  
28 *by this act, shall be deemed prima facie evidence of the violation*  
29 *of this act.*

1 \***[5.]**\* \*16.\* (New section) **[For the purposes of this act, a]**\*  
2 **\*A\*** master well driller shall have the authority to certify **[com-**  
3 **pliance with any required specifications of law or any rules and**  
4 **regulations adopted pursuant thereto]**\* *\*that the well has been*  
5 *constructed to meet the standards promulgated pursuant to*



6 *P. L. 1954, c. 199 (C. 58:11-23 et seq.) concerning well drilling and*  
 7 *pump installation\**. Before any master well drillers license is  
 8 granted, the applicant shall file a bond in an amount fixed by the  
 9 commissioner, but not less than \$5,000.00, with good and sufficient  
 10 surety, and conditioned for the faithful performance by the appli-  
 11 cant of the provisions of the act to which this act is supplementary  
 12 and any and all rules and regulations adopted pursuant thereto.

13 Any master *\*well\** driller licensed under the provisions of the  
 14 act to which this act is supplementary who violates any rule or  
 15 regulation of the department or any provision of this act, **\*[shall]\***  
 16 *\*may\**, in addition to any other penalty prescribed by law, be  
 17 deprived of his license for a period not to exceed 1 year.

1 **\*17.** Section 1 of P. L. 1947, c. 375 (C. 58:4A-1) is amended to  
 2 read as follows:

3 The **[Division of Water Policy and Supply of the State]** Depart-  
 4 ment of **[Conservation]** *Environmental Protection* shall delineate  
 5 from time to time such areas of the State where diversion of sub-  
 6 surface and percolating waters exceeds or threatens to exceed, or  
 7 otherwise threatens or impairs, the natural replenishment of such  
 8 waters.

1 **18.** Section 2 of P. L. 1947, c. 375 (C. 58:4A-2) is amended to  
 2 read as follows:

3 In areas so delineated by the **[Division of Water Policy and**  
 4 **Supply]** *department* no person, corporation or agency of the public  
 5 shall hereafter divert or obtain water from subsurface or percolat-  
 6 ing sources in excess of **[one hundred thousand gallons per day]**  
 7 *70 gallons per minute* for any purpose unless such person, corpora-  
 8 tion or agency of the public shall first obtain a permit for such  
 9 withdrawal from the **[Division of Water Policy and Supply]**  
 10 *department*. Such permit may be refused, or if granted, may  
 11 include such stipulations as may be necessary to conserve the sub-  
 12 surface and percolating waters of the State and prevent their  
 12A exhaustion.

13 Stipulations in permits granted to commercial growers of agri-  
 14 cultural and horticultural crops and livestock, shall offer an option  
 15 of keeping logs or other appropriate records on diversion or with-  
 16 drawal of water or the use of a water meter, and require annual  
 17 reports of such diversion or withdrawal; provided, however, that  
 18 if the **[division]** *department* determines at any time that a permit  
 19 holder who has elected to keep a log or other record has failed to  
 20 comply with the **[division's]** *department* regulations regarding the  
 21 keeping of logs or other appropriate records, an amended permit  
 22 may be issued to such permit holder requiring the use of a water  
 23 meter or meters for the keeping of records.

1 19. Section 3 of P. L. 1947, c. 375 (C. 58:4A-3) is amended to  
2 read as follows:

3 3. Any refusal to grant a permit under this act by the **【Division**  
4 of Water Policy and Supply**】** *department* shall be subject to review  
5 by the Superior Court in a proceeding in lieu of prerogative writ.

1 20. Section 4 of P. L. 1947, c. 375 (C. 58:4A-4) is amended to  
2 read as follows:

3 4. Any person, corporation, or agency of the public diverting or  
4 obtaining water at the time of the passage of this act, or at the  
5 time an area is delineated as provided in section one of this act,  
6 in excess of one hundred thousand gallons per day from subsurface  
7 or percolating water sources, shall have the privilege of continuing  
8 to take from the same source, the quantity of water which is the  
9 rated capacity of the equipment at that time used for such water  
10 diversion without securing a permit as provided above, *if the rated*  
11 *capacity of the equipment at that time is reported to the depart-*  
12 *ment. Any such well owner shall, however, keep accurate records by*  
13 *meters, or other approved method, of the amount of water so*  
14 *diverted each month and shall report same quarterly to the*  
15 *department.*

1 21. Section 2 of P. L. 1951, c. 193 (C. 58:4A-4.1) is amended to  
2 read as follows:

3 2. The owner of any well shall, upon abandonment of any existing  
4 well or test hole, so notify the **【division】** *department* and shall  
5 effectively seal and fill such wells and test holes in accordance  
6 with the rules and regulations of the **【division】** *department*. A well  
7 not in operation for 3 or more years or improperly maintained to  
8 prevent contamination may be deemed to have been abandoned.  
9 Any person who shall violate the provisions of this section shall  
10 be guilty of a misdemeanor.

1 22. Section 3 of P. L. 1951, c. 193 (C. 58:4A-4.2) is amended to  
2 read as follows:

3 3. The **【division】** *department* shall have the power to order the  
4 sealing of any such abandoned well when in its judgment the condi-  
5 tion of the well endangers or threatens to endanger the subsurface  
6 of percolating waters by the intrusion of salt water or from any  
7 other causes or endangers life. The owner of any abandoned well  
8 who shall fail or refuse to seal it in the time and manner ordered by  
9 the **【division】** *department* shall be subject to a penalty of five  
10 hundred dollars (\$500.00) for each and every violation, and further  
11 penalty of fifty dollars (\$50.00) for each day during which such  
12 violation shall continue.\*

1 \***【6.】**\* \*23.\* This act shall take effect immediately.

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10 who shall operate without a permit as provided in this act, or  
 11 who shall aid or abet in the commission of such violation, or who  
 12 shall refuse to perform any duty or obey any direction lawfully  
 13 enjoined upon him by this act or by the department or said com-  
 14 missioner or the State Geologist, except as provided in section 10  
 15 hereof, shall be deemed a disorderly person and upon conviction  
 16 thereof shall be punished by a fine of not less than \$100.00 nor more  
 17 than \$250.00 for each and every such violation, which may be col-  
 18 lected and enforced in an action by the [department] *State or any*  
 19 *subdivision thereof* in the name of the State in a court of competent  
 20 jurisdiction in summary proceedings pursuant to the Penalty  
 21 Enforcement Law N. J. S. 2A:58-1 et seq. All penalties and costs  
 22 collected in such actions shall be payable to the municipality in  
 23 which the offense occurred. Each day such violation shall continue  
 24 shall constitute a separate offense. The acceptance by any person,  
 25 partnership or corporation of any money or other consideration  
 26 for the construction of any well by anyone other than a licensed  
 27 driller of the proper class as provided by this act, shall be deemed  
 28 prima facie evidence of the violation of this act.

1 5. (New section) For the purposes of this act, a master well  
 2 driller shall have the authority to certify compliance with any  
 3 required specifications of law or any rules and regulations adopted  
 4 pursuant thereto. Before any master well drillers license is  
 5 granted, the applicant shall file a bond in an amount fixed by the  
 6 commissioner, but not less than \$5,000.00, with good and sufficient  
 7 surety, and conditioned for the faithful performance by the ap-  
 8 plicant of the provisions of the act to which this act is supple-  
 9 mentary and any and all rules and regulations adopted pursuant  
 10 thereto.

11 Any master driller licensed under the provisions of the act to  
 12 which this act is supplementary who violates any rule or regulation  
 13 of the department or any provision of this act, shall, in addition  
 14 to any other penalty prescribed by law, be deprived of his license  
 15 for a period not to exceed 1 year.

1 6. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to make several technical changes in the present law pertaining to well drillers, P. L. 1947, c. 377 (C. 58:4A-5 et seq.), in accordance with suggestions of the New Jersey Water Well Contractors Association.

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The present legislation a. prohibits any person, partnership or corporation employing more than three well drillers from engaging in any well drilling in this State unless such employer is a qualified master well driller; b. increases the existing license fee schedule; c. broadens the functions, powers and duties of licensed master well drillers; and d. permits any law enforcement officer to enforce the provisions of the law pertaining to licenses and permits which prohibit anyone from engaging in the well drilling business in this State without a valid license.

ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE

STATEMENT TO  
**SENATE, No. 792**  
with Senate amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 17, 1979

To the Senate Committee Statement on this bill, with which the Assembly Agriculture and Environment Committee concurs, the committee notes and approves several technical changes suggested by the New Jersey Water Well Contractors Association added by the Senate.

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SENATE LABOR, INDUSTRY AND  
PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 792

STATE OF NEW JERSEY

DATED: AUGUST 6, 1979

This bill amends the present law pertaining to well drillers, P. L. 1947, c. 377 (C. 58:4A-5 et seq.) to provide that no person, partnership, or corporation shall employ more than three other well drillers in well drilling unless he is qualified as a master well driller. The bill also raises the fee accompanying an application for a permit for a well to be drilled, and raises the fees for licenses and renewals of licenses for both master well drillers and journeymen well drillers.

SENATE AMENDMENTS TO  
**SENATE, No. 792**

**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 13, 1979

Amend page 1, title, lines 1-2, omit entirely, insert

“AN ACT to amend the title of “An act to conserve certain natural resources of the State and to protect the public health; to provide for the licensing of well drillers; to fix fees therefor and to provide penalties for violations thereof,” approved July 1, 1947 (P. L. 1947, c. 377), so that the same shall read “An act to conserve certain natural resources of the State and to protect the public health; to provide for the licensing of well drillers and pump installers; to fix fees therefor and to provide penalties for violations thereof,” and to amend and supplement the body of said act and to amend P. L. 1947, c. 375 (C. 58:4A-1 et seq.) and P. L. 1951, c. 193 (C. 58:4A-4.1 et seq.).”

Amend page 1, after enacting clause, insert new sections 1 and 2 as follow:

“1. The title of P. L. 1947, c. 377 is amended to read as follows:

An act to conserve certain natural resources of the State and to protect the public health; to provide for the licensing of well drillers and pump installers; to fix fees therefor and to provide penalties for violations thereof.

2. Section 1 of P. L. 1947, c. 377 (C. 58:4A-5) is amended to read as follows:

1. The Commissioner of the Department of **[Conservation and Economic Development]** *Environmental Protection*, hereinafter called commissioner, in furtherance of his general powers of supervision over the natural resources of the State and their conservation for public use, is hereby authorized, empowered and directed to make effective the provisions of this act and to adopt and effectuate, such rules and regulations as may be proper for this purpose and for the administration of the provisions of this act. The commissioner may adopt rules and regulations to carry out the purposes of this act.”

Amend page 1, section 1, line 1, omit “1.”, insert “3.”.

Amend page 1, section 1, line 4, after “drilling”, insert “or pump installation”.

Amend page 1, section 1, line 7, after “driller”, insert “or pump installer”.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

Amend page 1, section 1, line 9, omit “until he”, insert “unless said well drillers’ supervisor”.

Amend page 1, section 1, line 15, after “drilling”, insert “or pump installation”.

Amend page 1, section 1, after line 16, insert new sections 4 to 9 as follow:

“4. Section 3 of P. L. 1947, c. 377 (C. 58:4A-7) is amended to read as follows:

3. A board of ~~7~~ 9 well driller *and pump installer* examiners is hereby created to be appointed by the Commissioner of ~~Conservation and Economic Development~~ *Environmental Protection*, which shall function as an examining board of well drillers *and pump installers*, and as an advisory board to the commissioner and shall be hereinafter referred to as the board. ~~Two~~ *Three* members of the board shall be employees of the department; one member not employed by the State or pecuniarily involved in well drilling *or pump installing* shall be appointed by the commissioner; *one member shall have the qualification to qualify as a pump installer*; and the remaining 4 members shall have the qualifications to qualify as master well drillers. Members of the board shall be appointed for terms of 3 years. A quorum of the board shall consist of ~~5~~ 7 members. All persons appointed to said board shall be citizens of the United States and residents of the State of New Jersey. The commissioner may remove any member of the board, after hearing, for misconduct, incompetence, neglect of duty or for any other sufficient cause.

5. Section 4 of P. L. 1947, c. 377 (C. 58:4A-8) is amended to read as follows:

4. Said board so appointed shall be designated and known as the “State Well Drillers *and Pump Installers* Examining and Advisory Board.”

Each member of the board, except those who are employees of the department, shall receive ~~compensation of \$25.00 per day, and~~ actual and necessary expenses, ~~for each day in which such member is engaged in the attendance upon meetings of the board;~~ such charges to be approved by the commissioner and paid from general funds of the State within the limits of appropriations to the department.

6. Section 6 of P. L. 1947, c. 377 (C. 58:4A-10) is amended to read as follows:

6. The board shall be vested with the following powers and duties:

(a) It shall be the duty of the board to examine as to their experience and qualifications all persons applying for licenses as well drillers *or pump installers*, and to certify the results thereof within 10 days to the commissioner of the department. Such examinations may be oral or written and shall be of a practical nature.



(b) It shall, by a majority of all its members, formulate and recommend to the commissioner rules, regulations, and standards for engaging in the trade, business or calling of well drilling *or pump installing* which shall be applicable to any person licensed under this act.

7. Section 7 of P. L. 1947, c. 377 (C. 58:4A-11) is amended to read as follows:

7. The **【said division】** *commissioner* shall, upon payment of the required fee, issue licenses to such persons as have by said examination shown themselves competent and qualified to engage in the business, trade or calling of well driller *or pump installer*.

8. Section 8 of P. L. 1947, c. 377 (C. 58:4A-12) is amended to read as follows:

8. The board may after public hearing, recommend to the commissioner that he revoke, or suspend for any period less than 1 year the license of any well driller *or pump installer*, if the same was obtained through error or fraud, or if the board shall find him guilty of gross neglect, incompetency, or misconduct in the practice of well drilling *or pump installing* or if the holder thereof has a second time willfully violated any of the provisions of this law or any of the rules and regulations prescribed by the commissioner. Any person whose license has been revoked may, after the expiration of 1 year from the date of such revocation, apply for a new license.

The charges against any well driller *or pump installer* of whom complaint is made shall be in writing and sworn to by the complainant, and filed with the board.

Such charges unless dismissed by the board as unfounded or trivial shall be heard and determined by the board within 3 months after the date on which they are preferred unless the board shall determine that good cause exists for further delay. The board shall have the power at any such proceeding to require the attendance of witnesses before it, and the production of such books, papers and documents as it may require, and to issue or authorize the issuance of subpoena therefor.

The time and place of the hearing, which may be adjourned from time to time, shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing shall be served on the accused by the board personally or by certified mail, addressed to his last known place of residence in this State, at least 30 days before the day fixed for the hearing. At such hearing the accused shall have the right to appear personally or by counsel and to cross-examine witnesses against him and to produce evidence in his defense.

9. Section 9 of P. L. 1947, c. 377 (C. 58:4A-13) is amended to read as follows:

9. Any operation on the drilling, boring, coring, driving, digging or construction of wells shall be under the immediate supervision of a licensed well driller, and the name of the owner shall be displayed on the equipment used by such driller. Nothing in this act shall be construed as applying to the drilling of blast holes in quarries or mines, *or any operation on the installation, construction, or repair of a water system, including water pumps, water tanks, and water conditioners under the direct responsibility of a licensed professional engineer.*”

Amend page 1, section 2, line 1, omit “2.”, insert “10.”

Amend page 1, section 2, line 9, omit “domestic”, insert “permit”.

Amend page 2, section 2, line 13, omit “division”, insert “commissioner”.

Amend page 2, section 2, line 16, omit “State Geologist or one of his authorized representatives”, insert “department”.

Amend page 2, section 2, lines 25-34, omit entirely.

Amend page 2, section 2, after line 34, insert new section 11 as follows:

“11. Section 12 of P. L. 1947, c. 377 (C. 58:4A-16) is amended to read as follows:

12. The **[division]** *department* may license without examination, upon payment of the required license fee, applicants who are duly licensed under the laws of any other state having requirements deemed by the said board at least equivalent to those of this State.”

Amend page 2, section 3, line 1, omit “3.”, insert “12.”

Amend page 2, section 3, after line 8, insert

“Pump installer’s license .....	\$10.00
Renewal of pump installer’s license .....	\$10.00

All revenues derived from such fees or from the fees contained in section 10 hereof shall be deposited in the “environmental services fund” and shall be used for the administration of well water programs.”

Amend page 2, section 3, after line 8, insert new sections 13 and 14 as follow:

“13. Section 16 of P. L. 1947, c. 377 (C. 58:4A-20) is amended to read as follows:

16. The said commissioner **[and the State Geologist]**, or any authorized representative of the commissioner, shall have the power to make such inspections and take such samples as may be deemed necessary for the investigation of the construction and repair of wells throughout the State. They shall also have the right to enter upon any and all property for the purpose of obtaining information about wells, whether idle, in use or abandoned.

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14. Section 19 of P. L. 1947, c. 377 (C. 58:4A-23) is amended to read as follows:

19. A "well" is any excavation whether drilled, bored or cored, for water, oil or gas, or in exploration for water, oil or gas, or for the storage or disposal thereof, [or their derivatives, or for the storage or disposal of sewage, industrial waste or radioactive material. Single domestic drive point wells 2 inches and under in diameter and hand dug wells are excluded from the provisions of this act]. *Any excavation that is less in its diameter than its depth is a well.*

A "well driller" is any person who engages in drilling, digging, driving, boring, coring, constructing, altering or repairing any well or engages in the installation and repair of pumps and appurtenances.

A "master well driller" is any person skilled in the planning, superintending and practical construction of wells and the installation and repair of well pumping equipment, who has been engaged in well drilling for at least 5 years, and who has been licensed as such by the board.

A "journeyman well driller" is any person, other than a master well driller, skilled in the practical construction of wells, or who engages in the installation and repair of pumps and appurtenances, who has had at least 3 years' experience in such work, and who has been licensed as such by the board.

A "pump" is mechanical equipment or a device used to remove water from a well.

A "pump installer" is any person who is qualified to engage in the installation, removal, alteration or repair of water pumps and appurtenances in connection with any water well including water lines between wells and storage tank and licensed as such by the board.

The examining board, the board of examiners, the advisory board or the board of advisors means the "State Well Drillers and Pump Installers Examining and Advisory Board."

*The "department" is the Department of Environmental Protection.*

Amend page 2, section 4, line 1, omit "4.", insert "15."

Amend page 2, section 4, line 9, after ", or", insert "who shall engage in the trade, business or calling of pump installing without employing a licensed pump installer or licensed well driller, or".

Amend page 3, section 4, line 14, after "missioner", omit the remainder.

Amend page 3, section 4, line 15, omit "hereof,", after "shall be", omit the remainder.

Amend page 3, section 4, line 16, omit "thereof shall be punished by a fine", insert "liable to a penalty".

Amend page 3, section 5, line 1, omit "5.", insert "16."

Amend page 3, section 5, line 1, omit "For the purpose of this act, a", insert "A".

Amend page 3, section 5, line 2, after "certify", omit "compliance with any".

Amend page 3, section 5, line 3, omit entirely.

Amend page 3, section 5, line 4, omit "pursuant thereto", insert "that the well has been constructed to meet the standards promulgated pursuant to P. L. 1954, c. 199 (C. 58:11-23 et seq.) concerning well drilling and pump installation".

Amend page 3, section 5, line 11, after "master", insert "well".

Amend page 3, section 5, line 13, omit "shall", insert "may".

Amend page 3, section 5, line 15, after "year.", insert new sections 17 to 22 as follow:

"17. Section 1 of P. L. 1947, c. 375 (C. 58:4A-1) is amended to read as follows:

The **Division of Water Policy and Supply of the State** Department of **Conservation** *Environmental Protection* shall delineate from time to time such areas of the State where diversion of subsurface and percolating waters exceeds or threatens to exceed, or otherwise threatens or impairs, the natural replenishment of such waters.

18. Section 2 of P. L. 1947, c. 375 (C. 58:4A-2) is amended to read as follows:

In areas so delineated by the **Division of Water Policy and Supply** department no person, corporation or agency of the public shall hereafter divert or obtain water from subsurface or percolating sources in excess of **one hundred thousand gallons per day** *70 gallons per minute* for any purpose unless such person, corporation or agency of the public shall first obtain a permit for such withdrawal from the **Division of Water Policy and Supply** department. Such permit may be refused, or if granted, may include such stipulations as may be necessary to conserve the subsurface and percolating waters of the State and prevent their exhaustion.

Stipulations in permits granted to commercial growers of agricultural and horticultural crops and livestock, shall offer an option of keeping logs or other appropriate records on diversion or withdrawal of water or the use of a water meter, and require annual reports of such diversion or withdrawal; provided, however, that if the **division** department determines at any time that a permit holder who has elected to keep a log or other record has failed to comply with the **division's** department regulations regarding the keeping of logs or other appropriate records, an amended permit may be issued to such permit holder requiring the use of a water meter or meters for the keeping of records.

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19. Section 3 of P. L. 1947, c. 375 (C. 58:4A-3) is amended to read as follows:

3. Any refusal to grant a permit under this act by the **【Division of Water Policy and Supply】** *department* shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ.

20. Section 4 of P. L. 1947, c. 375 (C. 58:4A-4) is amended to read as follows:

4. Any person, corporation, or agency of the public diverting or obtaining water at the time of the passage of this act, or at the time an area is delineated as provided in section one of this act, in excess of one hundred thousand gallons per day from subsurface or percolating water sources, shall have the privilege of continuing to take from the same source, the quantity of water which is the rated capacity of the equipment at that time used for such water diversion without securing a permit as provided above, *if the rated capacity of the equipment at that time is reported to the department. Any such well owner shall, however, keep accurate records by meters, or other approved method, of the amount of water so diverted each month and shall report same quarterly to the department.*

21. Section 2 of P. L. 1951, c. 193 (C. 58:4A-4.1) is amended to read as follows:

2. The owner of any well shall, upon abandonment of any existing well or test hole, so notify the **【division】** *department* and shall effectively seal and fill such wells and test holes in accordance with the rules and regulations of the **【division】** *department*. A well not in operation for 3 or more years or improperly maintained to prevent contamination may be deemed to have been abandoned. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

22. Section 3 of P. L. 1951, c. 193 (C. 58:4A-4.2) is amended to read as follows:

3. The **【division】** *department* shall have the power to order the sealing of any such abandoned well when in its judgment the condition of the well endangers or threatens to endanger the subsurface of percolating waters by the intrusion of salt water or from any other causes or endangers life. The owner of any abandoned well who shall fail or refuse to seal it in the time and manner ordered by the **【division】** *department* shall be subject to a penalty of five hundred dollars (\$500.00) for each and every violation, and further penalty of fifty dollars (\$50.00) for each day during which such violation shall continue.’’.

Amend page 3, section 6, line 1, omit “6.’’, insert “23.’’.

Senate

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STATEMENT

These amendments to Senate Bill No. 792 incorporate all the provisions of Senate Bill No. 1468, another bill on this subject introduced by me, and the results of discussions conducted over a period of months by the New Jersey Water Well Contractors Association, the Well Drillers Licensing Board, the Bureau of Geology and the Division of Water Resources in the Department of Environmental Protection.

The purpose of this bill is to make several technical changes in the present law pertaining to well drillers in accordance with suggestions of the New Jersey Water Well Contractors Association. The bill also provides for the licensing of pump installers, professionals as defined in the bill, as "any person who is qualified to engage in the installation, removal, alteration or repair of water systems in connection with any water well and licensed as such by the board." The "State Well Drillers Examining and Advisory Board," created by the 1947 law, is recreated as the "State Well Drillers and Pump Installers Examining and Advisory Board," with two additional members, to reflect its new responsibilities with respect to pump installers pursuant to this bill.

These amendments make similar technical changes to the water allocation statutes concerning ground water and wells.

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A-3244, sponsored by Assemblyman Albert Burstein (D-Bergen), which permits the Director of the Division of Purchase and Property and the Director of the Division of Building and Construction to award contracts for building construction or repair projects up to \$10,000 "in any manner which they may deem effective to promote full and free competition whenever competition is practicable," i.e., without bidding.

The bill also permits the award of contracts for construction materials and supplies up to \$7,000 without bidding. Formerly, bidding was required on all contracts over \$2,500. The \$2,500 threshold was in effect since 1954.

S-792, sponsored by Senator Walter Foran (R-Hunterdon), which makes several technical changes in the law pertaining to well drillers.

The most significant change in the statute gives well drillers the statutory authority to install pumps in wells. Formerly, electricians had to perform this routine every time a pump was installed.

A-1694, sponsored by Assemblyman Buddy Fortunato (D-Essex), which requires the installation of smoke detectors or smoke alarms or both in hotels and multiple dwellings.

Rules and regulations will be issued by the Commissioner of Community Affairs to specify the number, location, specifications, maintenance and periodic testing of smoke detectors and smoke alarms.

A-902, sponsored by Assemblyman Walter Kern, Jr. (R-Bergen), which governs the jurisdiction of the county district court with respect to those of its judgement which have been docketed in the Superior Court.

This bill expands the district court's jurisdiction to include any matter affecting the validity of an original judgement, except for execution.

A-3662, sponsored by Assemblyman Robert E. Littell (R-Sussex), which repeals P.L. 197 c. 129, which required regional school districts receiving federal funds under the Federal Impact Financial Assistance as a consequence of property having been taken by the federal government, to credit the constituent school district in which the property is located.

This bill, instead, establishes a specific formula for tax credits to offset amounts due to the regional school district from the municipality in which the federal land is